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wherein said peptide or peptide derivative has a length of up to 25
amino acids.

Kindly cancel claim 4 without prejudice or disclaimer.

Claim 5, line 2, delete "1 to 4" and insert therefor - -1 to 3- -.

REMARKS

In this amendment, applicants amend the specification and claims by designating the sequences described in the specification and claims with reference to the sequence identity number as contained in the Sequence Listing. It is respectfully submitted that the foregoing amendments place the application in compliance with 37 CFR 1.821 through 1.825 and no new matter is contained in this amendment. Enclosed is a computer-readable sequence listing in MS-DOS format on a 3.5" disk. The filename is 5647029.APP.

Applicants traverse the restriction requirement because the Patent Office has failed to prove a lack of unity of invention with claims 1-51. Applicants submit that the subject matter of claims 1-51 share the same or corresponding special technical feature of the peptides of claim 1. The Patent Office took a position that claim 1 reads on the intact GAD protein taught by Tobin (WO 95/07992), especially Fig. 4 of Tobin. For instance, the Patent Office asserts that amino acid sequence I of peptide (a) is claim 1 corresponds to amino acids 86-105 of the human GAD shown in Fig. 4A of Tobin.

Applicants respectfully submit that Tobin provides no suggestion or guidance toward amino acids 86-105 of the human GAD. Applicants note that the human GAD is composed of a sequence of over 400 amino acids. Without any guidance, there would have been no motivation for one of ordinary skill in the art to select amino acids 86-105. Thus, contrary to the assertion of the Patent Office, claim 1 does not read on the peptide (a) of claim 1.

Since Tobin fails to teach or suggest the peptides of claim 1, there is unity of invention between claims 1-51 because claims 1-51 share the same or corresponding special technical feature. Withdrawal of the restriction requirement is requested.

Applicants note that the one-month shortened statutory period ended on January 16, 2000, which was a Saturday and Monday, January 17, 2000, was a holiday of the Federal Government. Thus, filing a response on January 18, 2000 would be considered timely. In the event this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,
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Enclosures: New Sequence Listing (pages 1-12);
Computer diskette;
Statement under 37 CFR 1.821(f)